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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/645,709	08/24/2000	David S. Breed	ATI-165	3330

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EXAMINER

CHANG, KENT WU

ART UNIT PAPER NUMBER

2673

DATE MAILED: 10/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/645,709

Applicant(s)

BREED, DAVID S.

Examiner

Kent Chang

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-88 is/are pending in the application.
- 4a) Of the above claim(s) 19,20,23-26,32-50,67-70 and 72-88 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18,21,22,27-31,51-66 and 71 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,6,7,9. 6) ☐ Other:

DETAILED ACTION

Information Disclosure Statement

1. The Information Disclosure Statement submitted on 10/30/00, 11/22/00, and 12/7/00 (Paper No.3-5) are not found in the case. Applicant is requested to resubmit them for consideration.

Election/Restrictions

2. Applicant's election without traverse of Species II, claims 1-18, 21, 22, 27-31, 51-66, 69-71, in Paper No. 11 is acknowledged. However, claims 69-70 are directed to a system for adjusting the sensitive direction of a microphone (Species IV), therefore, they are withdrawn from further consideration.

Claim Objections

3. Claim 31 is objected to as being identical to claim 6. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 7, 8, 11, 12, 17, 18, 21, 71 are rejected under 35 U.S.C. 102(b) as being anticipated by Palalau et al (US Patent No. 6,373,472).

Palalau teaches a vehicle display system comprising a projector for projecting text and graphics into the windshield of a vehicle, a touch screen (22), interacting means (touch switches 28, 30) coupled to the projecting means for interacting with the display system (column 3 line 10 to column 5 line 23).

Consider claim 3. The system of Palalau is used to display all types of information including audio, climate, navigation, cruise, and fuel level indicating panel (Figures 3-7).

Consider claims 11, 12. The touch switches in the device of Palalau are correlated with the image based on the function group being selected.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9, 10, 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palalau et al (US Patent No. 6,373,472).

Consider claims 9-10. Palalau teaches a vehicle display system comprising a projector for projecting text and graphics into the windshield of a vehicle, a touch screen (22), interacting means (touch switches 28, 30), located on the steering wheel and the top of the airbag area, coupled to the projecting means for interacting with the display system (column 3 line 10 to column 5 line 23).

Obviously, it would have been obvious for one of ordinary skill in the art at the time of the invention to construct the touch pad so that it would break upon deployment of the airbag otherwise it would prevent the deployment of the airbag.

Consider claims 13-16. It would have been obvious for one of ordinary skill in the art at the time of the invention to use a detachable touch pad with wireless communication for inputting command so as to enable the user to store and use the touch pad in any location within the car.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Palalau et al (US Patent No. 6,373,472) in view of Schiffman (US Patent No. 5,061,996).

Palalau teaches a vehicle display system comprising a projector for projecting text and graphics into the windshield of a vehicle, a touch screen (22), interacting means (touch switches 28, 30) coupled to the projecting means for interacting with the display system (column 3 line 10 to column 5 line 23). Palalau does not show two head up displays.

However, Schiffman teaches a HUD system for a vehicle comprising a display for the driver and a display for the front passenger (column 5 lines 20-42 and Fig.7). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to use a display for the driver and a display for the front passenger as taught by Schiffman in the device of Palalau so as to enable both of the driver and passenger to view the images.

9. Claims 6 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palalau et al (US Patent No. 6,373,472) in view of Berstis et al (US Patent No. 6,505,165).

Palalau teaches a vehicle display system comprising a projector for projecting text and graphics into the windshield of a vehicle, a touch screen (22), interacting means (touch switches 28, 30) coupled to the projecting means for interacting with the display system (column 3 line 10 to column 5 line 23). Palalau does not show using voice activation for command inputting.

However, Berstis teaches a HUD system for a vehicle using voice activation for command inputting (column 5 lines 47-67). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to use voice activation for command inputting as taught by Berstis in the device of Palalau so as to enable the driver inputting command without having to divert the driver's attention away from the road as suggested by Berstis.

10. Claims 22, 27-30, 51-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palalau et al (US Patent No. 6,373,472) in view of Matsumoto (US Patent No. 5,734,357).

Palalau teaches a vehicle display system comprising a projector having a combiner for projecting text and graphics into the windshield of a vehicle, a touch screen (22), interacting means (touch switches 28, 30) coupled to the projecting means for interacting with the display system (column 3 line 10 to column 5 line

23). Palalau does not show adjusting the display position according to the position of the driver's eyes.

However, Matsumoto teaches a HUD system for a vehicle comprising a detector for detecting the position of the driver's eyes so as to adjust the display position (column 3 line 61 to column 4 line 67). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to use a detector for detecting the position of the driver's eyes as taught by Matsumoto in the device of palalau so as to adjust the display position for easy viewing.

Consider claims 58-61. It would have been obvious for one of ordinary skill in the art at the time of the invention to use a detachable touch pad with wireless communication for inputting command so as to enable the user to store and use the touch pad in any location within the car.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yano et al (US Patent No. 5,539,429); Ishiwaka et al (US Patent No. 5,621,457); Obradovich et al (US Patent No. 6,009,355); Breed et al (US Patent No. 6,393,133).

CONTACT INFORMATION

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kent Chang whose telephone number is 703-305-4824. The examiner can normally be reached on Monday to Thursday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala, can be reached at 703-305-4938.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 305-9700.



Kent Chang
Primary Examiner
Art Unit 2673

Kc

10/20/03